

ENVIRONMENTAL ASSESSMENT DECISION NOTICE
for the
TIMBER GULCH ACCESS ROAD EASEMENT
Montana Fish, Wildlife & Parks
Region 3, Bozeman
November 2017

Preface and Proposed Action

The enclosed Decision Notice has been prepared to purchase, through the Accessing Public Lands Program, a permanent road easement across private land that allows access to 3,400 acres of BLM in the Timber Gulch area of McCartney Mountain, 3 miles east of Glen. The project is located in section 30, T4S R8W in Madison County, in Deer/Elk Hunting District 340. MT Fish, Wildlife & Parks (FWP) would purchase approximately 0.14 miles of existing primitive road with a 40-foot width easement and convey the easement to the BLM. The road connects a county road (Burma Road) to an open route on the BLM that is open year-round. The public would also have year-round access to this road easement proposed to be purchased. Compensation in the amount of \$20,000 for the easement would be paid to the Garrison Big Hole River Ranch. The purchase is being funded by hunting license revenues through the Access Public Lands program administered by FWP and through contributions from the Rocky Mountain Elk Foundation, Skyline Sportsmen, Beaverhead Outdoor Association, and Jefferson Valley Sportsmen.

Public Process and Comments

FWP is required by the Montana Environmental Policy Act (MEPA) to assess potential impacts of a proposed action to the human and physical environment. In compliance with MEPA, an Environmental Assessment (EA) was completed for the proposed project by FWP and released for public comment on October 12, 2017. The public was notified that this EA was available for review and comment as follows:

- Direct mailing to adjacent landowners, Madison County, BLM and interested parties to ensure their knowledge of the proposed project
- Distribution via the FWP Butte wildlife biologist's email list of interested parties
- Two public notices each in *The Montana Standard* (Butte) and *The Tribune* (Dillon).
- Public notice on the Fish, Wildlife & Parks web page: <http://fwp.mt.gov>.

Copies of the draft EA were available for public review at FWP Region 3 Headquarters and at the FWP Butte Area Resource Office. Public comments on the proposed action were taken for 31 days (through November 13, 2017).

Nineteen comments were received on this proposal. Seventeen were in support of the proposed action and two were opposed to it (Table 1). FWP's response to comments are in **bold** in Table 1.

FWP thanks all parties that took the time to provide comments to the Timber Gulch Access Road Easement proposal.

Table 1: Summary of comments received on the Timber Gulch Access Road Easement proposal.

PARTY	FROM	SUPPORT or OPPOSE	COMMENTS
Individual	Dillon	Support	"Getting access to BLM ground in Timber Gulch is a good idea. It would open up some good deer and elk hunting as well as trapping."
Individual	Butte	Support	"Any opportunity to acquire public access, or add desirable land tracts to the public domain, for the public, is universally desirable. I would like to express my appreciation to all of the funding entities for their contributions to purchasing the easement. More so, I wish to send along my deepest thanks to the Garrisons for being

			amenable to both the current agreement, and the openness to market a permanent access.”
Individual	Butte	Support	“Great idea.”
Individual	Emigrant	Support	“I support the purchase of the Timber Gulch Road Easement, from the Garrison Ranch. Please thank him and his family for all they have done... .”
Individual	Whitehall	Support	“The purchase is a very legitimate use of sportsmen’s and tax payer dollars.”
Individual	Butte	Support	“My husband is no longer a hunter, but we like to travel the back roads and areas of the State for my photography hobby. We support the purchase of an easement that would allow public access to McCartney Mountain.”
Individual	Wise River	Support	<p>“I think this is a good acquisition for the public and support the proposal.</p> <p>I believe the legal description on pg. 2 of the EA is incorrect. I think the correct legal is T4S R8W Section 30, not Section 18.”</p> <p>FWP response – this individual is correct. The correct legal description of the proposed project is T4S R8W Section 30, not Section 18 as was stated in the EA. Thank you for finding this error.</p>
Individual	Glen	Support	“Timber Canyon is what the locals have always called it and it is a very special place for me. I was ecstatic to hear that this is a possibility... . One hundred percent support...!”
Individual	Wise River	Support	“I have hunted McCartney Mountain and permanent public access is very limited so any improvement in access is a good thing for the public.”
Individual	Glen	Support	“My husband and myself no longer hunt but we still enjoy exploring our local area. Timber Canyon is a great place to explore near our home. We hunted there in the past and now we would love to have access to hike and enjoy the area. We hope this area will be available to us in the future with an easement being established.”
Individual	Glen	Support	“I would like to cast my vote for opening up access to Timber Canyon in Glen, MT.”
Individual	Grand Rapids, MI	Oppose	<p>From the owner of the only adjacent property on the west side of Timber Gulch:</p> <p>“The Gainey Foundation is vehemently opposed to the proposed public easement for the following reasons:</p> <ol style="list-style-type: none"> 1. There are already numerous hunters who make it into Timber Gulch every fall. They leave a mess of garbage, beer cans, etc..., that we attempt to keep cleaned up. 2. We have frequent trespassers on our property every fall, even with the limited access that currently exists. This easement would no doubt increase the number of trespassers, forcing Gainey Foundation to enforce their property rights. The mouth of Timber Gulch is privately owned by Gainey Foundation, and we will not permit trespassers on this entrance property. 3. Gainey Foundation operates a Camp for College and High School students. We are absolutely certain that these students will be endangered by the significant numbers of hunters who will come down the gulch to our private property.

			<p>4. Just during this 2017 hunting season, we have had several hunters come onto Gainey Foundation property from Timber Gulch. On two occasions shots were fired on our property, barely missing two of our guests.</p> <p>5. Finally, our property has already experienced the spread of noxious weeds tracked down the gulch on shoes. Knapweed has been the worst and has affected cattle grazing on the Ranch. We cannot keep this under control because BLM does nothing to control it on their adjacent property – and certainly no help from FWP.</p> <p>FWP response – FWP fully respects private property rights and the concerns of the landowner. If this project as proposed gets completed it would not add additional access to public land in the Timber Gulch area since the current landowner has been providing good will access for many years. Rather, it will secure public and administrative access to public lands into the future. Administrative access would allow BLM and its contractors to reach BLM property for weed control efforts. BLM is responsible for weed management on BLM-administered property; FWP is not. This project would also allow DNRC perpetual access to public land in the McCartney Mountain area for fire protection purposes.</p>
Individual	Glen	Oppose	<p>“I think this proposal is flawed. The flow of people and vehicles (in the past) allowed knapweed to get a toehold and neither FWP, nor BLM has adequately dealt with the problem. In those decades of use the number of elk harvested on the mountain were quite low even as the population grew. The placement of the road at the bottom of the canyon mostly serves to disperse elk, and in this case that dispersal will likely be to the north end of the mountain where we will experience greater impacts to our agricultural operation.”</p> <p>FWP response - This proposal will not change existing travel management in the area since the road access acquisition being proposed has been open by the landowner to the public for many years. FWP recognizes knapweed as being a problem in this area and supports the BLM using appropriate means to control weeds and encourage healthy range conditions.</p> <p>“This mountain is supporting too many elk largely due to landowner provided nutrients and those elk can be harvested but I propose going to a cow season for the entirety of hunting season and making bulls draw only.”</p> <p>FWP response – FWP agrees that the McCartney Mtn area and all of HD 340 is over population objective with the current number of elk counted during winter aerial surveys. With this, FWP is proposing for the 2018-19 biennium to go to a brow-tined bull or antlerless elk harvest opportunity on the general elk license for all 5 weeks of the general big game season.</p>
MT Wild Sheep Foundation and Wild		Support	<p>“Whole-heartedly support the Timber Gulch Access Road Easement. We want to commend you and FWP for working with hunter conservationists and private</p>

Sheep Foundation (national)			landowners in developing this win-win project. Finding ways to work with private landowners to establish access for the public to wildlife is the fabric that drives so much of Montanan's conservation ethic."
Anaconda Sportsmen Association	Anaconda	Support	"This access would greatly enhance the public's recreation opportunities throughout the year."
Beaverhead Hunters and Anglers	Dillon	Support	Beaverhead Outdoors Association has agreed to contribute \$2000 toward this project
Skyline Sportsmen Association	Butte	Support	"It has been great that the current landowner has allowed the public to use his section of that road. However, as we all know, things change over time. ...It is best that that section become public in perpetuity. Skyline Sportsmen's Association has agreed to contribute \$2000 toward this project."
Jefferson Valley Sportsmen	Whitehall	Support	Jefferson Valley Sportsmen will contribute up to \$2,000 toward this project.
BLM	Dillon	Support	"This acquisition is in line with our BLM travel management plan for motorized use in this area. After FWP secures the acquisition, the Dillon Field Office would gladly accept the conveyance of this easement to hold into perpetuity."
DNRC	Dillon	Support	"The Montana DNRC, Dillon Unit is in favor of the purchase of a perpetual 0.14-mile long public road easement through the Garrison Big Hole River Ranch connecting the county road and the existing public road on BLM in the Timber Gulch area. Not only does the purchase provide a permanent access to the public to use public lands to recreate, but it also provides agencies like the DNRC access for fire protection and administrative purposes. The Dillon Unit has the fire protection of all public lands in the McCartney Mountain area and the purchase of the access road will secure perpetual access to those lands for firefighting purposes."

Final Environmental Assessment

The Draft Environmental Assessment, together with this Decision Notice, will serve as the final document for this proposal.

Decision

Based on the Environmental Assessment and public comment, it is my decision to approve the proposed action to purchase, through the Accessing Public Lands Program, a permanent road easement across Garrison Big Hole River Ranch property that allows access to 3,400 acres of BLM in the Timber Gulch area of McCartney Mountain, 3 miles east of Glen pending Fish and Wildlife Commission approval.

I find there to be no significant impacts on the human and physical environments associated with this project. I feel the reasons given to oppose the proposal have been properly addressed in the EA or through current management program and direction. Therefore, I conclude that the Environmental Assessment is the appropriate level of analysis, and that an Environmental Impact Statement is not required.



Quentin Kujala
Acting Region 3 Supervisor

November 17, 2017

Date